

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
HOFFMAN INTERNATIONAL, INC,

Plaintiff,

-against-

TEREX USA, LLC,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/15/2020

20 Civ. 8461 (AT)

**ORDER**

Plaintiff brings this action against Terex USA, LLC, invoking subject matter jurisdiction by reason of diversity of citizenship, 28 U.S.C. § 1332. If Terex USA, LLC is, indeed, a limited liability company, as its name would imply, then the complaint must allege the citizenship of natural persons who are members of the limited liability company and the place of incorporation and principal place of business of any corporate entities who are members of the limited liability company.

By **October 29, 2020**, Plaintiff shall amend its pleading to allege the citizenship of each constituent person or entity. *See Handelsman v. Bedford Vill. Assocs. Ltd. P'ship*, 213 F.3d 48, 51-52 (2d Cir. 2000) (citing *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998)); *Strother v. Harte*, 171 F. Supp. 2d 203, 205 (S.D.N.Y. 2001) ("For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members."). If Plaintiff fails to amend by the foregoing date to truthfully allege complete diversity based upon the citizenship of each constituent person or entity of the LLC, then the complaint will be dismissed for lack of subject matter jurisdiction.

SO ORDERED.

Dated: October 15, 2020  
New York, New York



ANALISA TORRES  
United States District Judge